

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas J. McMurry, et al. Art Unit : 1616
Serial No. : 10/755,506 Examiner : Michael Hartley
Filed : January 12, 2004
Title : DIAGNOSTIC IMAGING CONTRAST AGENTS WITH EXTENDED BLOOD
RETENTION

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER UNDER 37 C.F.R. §§3.73(b) AND 1.321(b)

Pursuant to 37 C.F.R. § 3.73(b), EPIX Medical, Inc., certifies that it is the assignee of the entire right, title, and interest in the above-referenced application by virtue of an assignment from the inventors of the parent patent application (Serial No. 10/034,522) to the above-referenced application. The assignment was recorded in the Patent and Trademark Office at Reel 014177 Frame 0338 on December 5, 2003. EPIX Medical, Inc. also certifies that it is the assignee of U.S. Patent No. 6,676,929.

The undersigned has reviewed all the documents in the chain of title of the above-referenced application and to the best of undersigned's knowledge and belief, title is in EPIX Medical, Inc.

The undersigned is empowered to act on behalf of the assignee.

Pursuant to 37 C.F.R. § 1.321(b), and to obviate a double patenting rejection, the assignee referenced above hereby waives and disclaims the terminal portion of the term of the entire patent to be granted upon the above-referenced application subsequent to the expiration date of U.S. Patent No. 6,676,929, provided that any patent granted on the above-referenced application shall be enforceable only for and during such period that it is commonly owned with U.S. Patent No. 6,676,929.

The assignee referenced above does not disclaim any terminal part of any patent granted on the above-referenced application prior to the expiration date of the full statutory term of U.S.

CERTIFICATE OF MAILING BY EXPRESS MAIL

Express Mail Label No. EV602144600US

04/08/2005 ZJUHR1 00000006 10755506

02 FC:1814

130.00 OP

April 6, 2005

Date of Deposit

Applicant : Thomas J. McMurry, et al.
Serial No. : 10/755,506
Filed : January 12, 2004
Page : 2 of 2

Attorney's Docket No.: 13498-005004 / MET-4

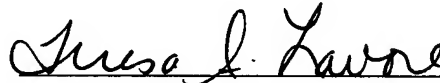
Patent No. 6,676,929 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title as stated above. Assignee herein does not disclaim or otherwise affect any part of U.S. Patent No. 6,676,929.

This disclaimer runs with any patent granted on the above-referenced application and is binding upon the grantee, its successors or assigns.

Please charge any additional fees, or make any credits, to Deposit Account No. 06-1050, referencing Attorney Docket No. 13498-005004.

Respectfully submitted,

Date: 4/6/05


Teresa A. Lavoie, Ph.D.
Reg. No. 42,782

Fish & Richardson P.C., P.A.
60 South Sixth Street
Suite 3300
Minneapolis, MN 55402
Telephone: (612) 335-5070
Facsimile: (612) 288-9696